

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

UNITED STATES OF AMERICA)

V.)

MARCUS JAY DAVIS)

CASE NO. 4:18CR00011-01

MOTION

COMES NOW Marcus Jay Davis, by and through his counsel, and moves this Honorable Court to direct the presiding judge designated by the Supreme Court of Virginia under Virginia Code Section 19.2-215.3 and The Honorable Gerald A. Gibson, Clerk of the Circuit Court for the City of Danville, Virginia, to make available for inspection by all counsel in the above styled case the notes, tapes, and transcripts or other evidence “kept safely” in the Circuit Court Clerk’s office pursuant to Virginia Code Section 19.2-215.9, and for his grounds states as follows.

(1) According to discovery produced in this case, a multi-jurisdictional grand jury was impaneled in or about December of 2015 at the request of the Commonwealth’s Attorney for the City of Danville, to investigate shootings in the City of Danville and other jurisdiction(s).

(2) According to the United States, many witnesses were summonsed to this multi-jurisdictional grand jury and all testimony was recorded. However, not all testimony was transcribed. It is believed based on the transcripts made available to the Defendants, that many of these witnesses gave testimony that touches on and concerns the allegations contained in the first superseding indictment in the above-styled case.

(3) Furthermore, on reasonable belief there were witnesses summonsed to appear at the multi-jurisdictional grand jury who were not presented to the multi-jurisdictional grand jury but who were interviewed by law enforcement officers. It is believed these interviews were not

transcribed but were documented by either notes or audio and/or video by City of Danville law enforcement officers.

(4) On reasonable belief, based on the discovery previously provided, many of these witnesses' interviews will be material and relevant to the defense of this case, or will lead to the discovery of material and relevant evidence to the defense of this case, including exculpatory evidence to the defendants and/or evidence that will support their individual theories of defense.

(5) Virginia Code Section 19.2-215.9(B) allows for the relief sought by Mr. Davis when it is consistent with the ends of justice and is necessary to reasonable inform Mr. Davis of the nature of the evidence to be presented against him or to adequately prepare his defense. Mr. Davis submits that he has met this standard and is entitled to the relief sought.

THEREFORE, Marcus Jay Davis moves for an order of the Court to direct the presiding judge designated by the Supreme Court of Virginia under Section 19.2-215.3 of the Code of Virginia, 1950, as amended, and The Honorable Gerald A. Gibson, Clerk of the Circuit Court for the City of Danville, Virginia, to make available for inspection by counsel in this case the notes, tapes, and transcripts or other evidence to all counsel in the above-styled case, which was to have been kept safely in the Circuit Court Clerk's office pursuant to Virginia Code Section 19.2-215.9(B).

Respectfully submitted,
Marcus Jay Davis

By: s/Anthony F. Anderson
Counsel for Defendant

By: s/Beverly M. Davis
Counsel for Defendant

Anthony F. Anderson, VSB #21345
Melissa W. Friedman, VSB #27277
Anderson & Friedman
P. O. Box 1525
Roanoke, Virginia 24007
(540) 982-1525
(540) 982-1539 (fax)
afa@afalaw.com

Beverly M. Davis, VSB # 33784
Davis, Davis & Davis, Attorneys
519 Second Street
Radford, Virginia 24141
(540) 639-9095
540-639-9095 (fax)
bevdavis@davisattys.com

CERTIFICATE OF SERVICE

I hereby certify that this 18th day of October, 2019, I emailed this Motion to the following Attorneys for the United States and it was filed electronically with the Court.

Heather L. Carlton, Esquire, AUSA
Ronald Mitchell Huber, Esquire, AUSA
United States Attorney's Office
Charlottesville
255 West Main Street, Room 130
Charlottesville, Virginia 22901
434-293-4283
heather.carlton@usdoj.gov
ron.huber@usdoj.gov

s/Anthony F. Anderson
Anthony F. Anderson
Anderson & Friedman
1102 Second Street, S. W.
P. O. Box 1525
Roanoke, Virginia 24007
(540) 982-1525
(540) 982-1539 (fax)
afa@afalaw.com